

C. C. NO.691/M/2019

Janvi Ajay Surve

...

Applicant.

Versus

Hemant Dinkar Dabholkar & Others ...

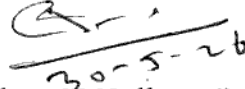
Respondents.

ORDER BELOW EXH.01.

Today, applicant is absent. Her advocate absent when called. Respondent No.2 and his advocate are present before the court. The learned advocate of the respondents pressed into service an application below Exh.44. It is submitted that, since filing of application applicant remained absent before the court for reasons best known to her. It is submitted that, there exists no domestic relationship between applicant and respondents at any point of time. It is submitted that, applicant is not interested to proceed with the application according to the provisions of law and indulges in practice to protract the litigation. Therefore, respondents have constrained to file application at Exh.44 for dismissal of the application under section 12 of D. V. Act for want of prosecution.

2) It is the matter of record that, the matter was kept on 28/05/2026. On that day holding advocate of applicant was present and filed application at Exh.45. Said application came to be allowed subject to give necessary directions to applicant to remain present in court in person. Despite having knowledge of the said order of the court applicant and her advocate remained absent before the court. Today, after scrutiny of the record and proceeding of this case I did not find application below Exh.44 on record. I have made endeavour to take assistance of the learned advocate of the respondents to search

application below Exh.44. However, the learned advocate of the respondents also affirmed the fact that he did not find application below Exh.44 on record after the scrutiny. Therefore, without perusal of the said application it is not lawful to pass any order on Exh.44. Hence, the Interpreter is directed to take search of application below Exh.44 and place it before the court within next ten days.



(Vaibhav V. Kulkarni)

Place:- Mumbai.

Date:- 30/05/2026

Addl. Chief Judicial Magistrate,
5th Court, Dadar (At Sewree), Mumbai.